

## UNITED STATES DISTRICT COURT

for the

United States District Court  
Southern District of Texas  
FILED

Southern District of Texas

APR 25 2015

United States of America )  
 v. )  
 Francisco Javier Rodriguez-Tamayo )  
 YOB: 1983 )  
 Citizenship: Mexico )  
 \_\_\_\_\_ )  
 Defendant(s)

Case No. M-15-0634-M

Clerk of Court

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 24, 2015 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
21USC841	defendant did knowingly and intentionally possess with the intent to distribute approximately 2.15 kilograms of methamphetamine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

On April 24, 2015, Pharr Police Department Officer Jose Tamez was conducting enforcement operations, in a marked K-9 patrol unit, in the area of Sugar Rd and W. Ferguson Ave. Officer Tamez is a Task Force Officer (TFO) assigned to the Homeland Security Investigations (HSI) office in McAllen, Texas and was being assisted by HSI Special Agents and other TFOs. The Special Agents and TFOs are members of the HSI High Intensity Drug Trafficking Area (HIDTA) group.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.



Complainant's signature

Andrew Bowman, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/25/2015



Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Judge Peter Ormsby

Printed name and title



**Attachment "A"**

TFO Tamez observed a 2005 Dodge minivan, displaying Texas license plate; CNZ2336, traveling south on Sugar Road. TFO Tamez noticed the registration sticker appeared to be tampered with, so he communicated with his dispatch and provided the license plate number. Pharr PD dispatch advised the registration to the vehicle had expired in September 2014. TFO Tamez conducted a traffic stop on the vehicle shortly after it turned east on W. Ferguson Avenue and made contact with the driver, Francisco Javier RODRIGUEZ-Tamayo, the sole occupant.

TFO Tamez observed the registration had the date changed with a marker. TFO Tamez further noticed RODRIGUEZ's neck muscles pulsating and his hands were trembling. TFO Tamez asked if he had anything illegal in the vehicle and if he could have consent to search the vehicle. RODRIGUEZ advised that he has snorted cocaine before, but stated there was nothing illegal in the vehicle and provided verbal consent for the search. TFO Tamez decided to walk his narcotics detection dog "Chachi" around the vehicle. The narcotics detection dog provided a positive alert near the front of the vehicle. TFO Tamez asked what was in the vehicle that caused the dog to alert. RODRIGUEZ advised he did not have any drugs in the vehicle. A brief search of the vehicle did not yield any visible narcotics. TFO Tamez confirmed with RODRIGUEZ that he uses and/or used narcotics in the recent past. TFO Tamez noticed that RODRIGUEZ lived less than a half mile away and asked if he had any narcotics at his residence, and RODRIGUEZ stated "no". TFO requested verbal consent to go to his residence located at 2314 Sugar Road, Pharr, Texas, 78577 and to conduct a search. RODRIGUEZ gave verbal consent by stating "Si vamos" in Spanish. Another Pharr PD TFO, Robert Quintanilla, rode with RODRIGUEZ in his vehicle to the residence.

At the residence, Homeland Security Investigations (HSI) Special Agent (SA) Andrew Bowman met with TFO Tamez and RODRIGUEZ and provided RODRIGUEZ with a written consent form. The content of the form was explained to RODRIGUEZ in Spanish by SA Erik Diaz. After the consent form was explained and signed by RODRIGUEZ, TFO Tamez mentioned to RODRIGUEZ that if he did have anything illegal in the residence, he could be honest and tell the agents. RODRIGUEZ advised that someone dropped something off a few days ago, but he does not know what it is. RODRIGUEZ voluntarily showed officers and agents a storage area under the carport and pointed to the bed area. A search of the area, revealed three (3) large clear bags containing a white substance hidden underneath the bed's mattress, box spring, and frame. The white substance field tested positive for methamphetamine and the total weight of all three (3) bags and white substance was approximately 2.15 kilograms.

SA Bowman and TFO Tamez interviewed RODRIGUEZ at the Pharr Police Department. TFO Tamez provided translation, due to RODRIGUEZ only understanding a limited amount of English. Post-Miranda, RODRIGUEZ stated he was asked by an unknown male to store the narcotics at his house. RODRIGUEZ stated he had the narcotics at his residence for several days and was expected to be paid for storing the narcotics, after they were eventually sold to a buyer. RODRIGUEZ said he knew it was an illegal narcotic

and thought it was cocaine, but after opening the bags he realized the substance looked different than cocaine.